



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/148,615	09/04/1998	BENJAMIN KILGORE	MS-78	3633
27662	7590	04/09/2004	EXAMINER	
LYON & HARR, LLP 300 ESPLANADE DRIVE, SUITE 800 OXNARD, CA 93036			CHEN, TE Y	
			ART UNIT	PAPER NUMBER
			2171	32
DATE MAILED: 04/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/148,615

Applicant(s)

KILGORE ET AL.

Examiner

Susan Y Chen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Arguments

In view of the Appeal Brief filed on 03/09/2004, PROSECUTION IS HEREBY REOPENED. A new ground rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2-18, are rejected under 35 U.S.C. 102(e) as being anticipated by Redford et al. (U.S. Patent No. 5,957,695).

As to claims 2-4 and 6-17, Redford et al. (Hereinafter referred as Redford) discloses an application development system with remote control utility, which allows the user of the system to displaying commercials and sending purchase orders by computer [see, title]. Wherein, the system comprising:

- * an interactive media unit [for example, 900, Fig. 9A] which includes a user interface [907, Fig. 9A] and application creation engine [908, Fig. 9A], such that, in response to user initial query via query grid [e.g., the field 926A, Fig. 9C], the system transmits a plurality of data packets comprising associated data values [for example, see the sets of multi-media files 902 -905, Fig. 9], as a subset of available data on the host computer to a remote client computer [for example, see Fig(s). 8A-8D] in a multi-media information distribution client/server environment [see, Abstract, lines 11- 20; Fig(s). 1A-1G, 8A-9F] via a set of telecommunication devices [for example, see 124, 130, Fig. 1E];

- * a display monitor of the client computer comprise a control module [for example, the scrolling bar of the text window 930, see Fig. 9C]. There, By using the value inputted by a user of displayed control module (e.g., scrolling-up or scrolling-down actions applying to the slider), the system will dynamically adjusting the associated data values including that of the slider [e.g., the set of page text labels] and the values of at least one associated field with range [e.g., the edit screen (931A), Fig. 9C] which is dynamically coupled to the slider and display the adjusted data values on the client system [e.g., col. 45, lines 45-55].

Art Unit: 2171

As to claim 5, except all the limitations listed above, Redford further discloses that the interface options having slider filters, input boxes, drop-down menus and radio buttons [e.g., 926, 924, 930, 931A, etc. Fig. 9C, 964F, Fig. 9E].

As to claims 18, except all the limitations listed above, Redford further discloses that the data being transmitted is encoded with pricing data from a server computer and the data is decoded and displayed on the client computer [col. 40, lines 11-20; col. 53, lines 9-13; claim 29].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redford et al. (U.S. Patent No. 5,957,695) in view of Fishkin et al. (U.S. Patent No. 5,841,437).

As to claim 19, Redford disclose the following:

a) transmitting a set of pricing data from a server computer to the client computer in response to an initial query from the client computer [e.g., col. 40, lines 11-20];

Art Unit: 2171

b) transmitting a control module comprising a graphical user interface from the server computer to the client computer [e.g., Fig. 9B and associated texts; col. 43, lines 41 – col. 44, lines 38];

c) automatically displaying the graphical user interface on the client computer [e.g. Fig(s). 9C, 9D, etc.].

Although Redford discloses using a GUI with slider control to adjust the associated data [e.g., Fig. 9C] and displaying pricing data on the GUI for user to navigate/make interactive selection [e.g., col. 40, lines 11-20]. Redford did not specifically teach dynamically adjusting the pricing data using a slider filter contained in the graphical user interface as claimed by applicant.

However, Fishkin et al. (herein after referred as Fishkin) discloses a method to dynamically adjust the pricing data using a slider filter contained in the graphical user interface as claimed by applicant [e.g., Abstract; Fig. 8 and associated texts, col. 18, lines 43-57].

Therefore, by having the teachings of Redford and Fishkin in front of him/her, it would have been obvious for an ordinary skilled artisan at the time the invention was made to be motivated to further modify the slider control of Redford's with the pricing data in the graphical user interface as suggested by Fishkin, because by doing so, the combined system will provide a user friendly GUI for dynamically adjusting the various pricing data associated with various commercial products for a user to make selections.

As to claims 20-23, the combined system of Redford and Fishkin further discloses the client/server data transmission and encoding/decoding processing in a user interface control as claimed by applicant [e.g., Redford: Abstract; col. 2, line 61 – col. 3, line 35; Fishkin: col. 3, lines 1-14; Fig. 8].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is (703) 308-1155. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (703) 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen
Examiner
Art Unit 2171



April 7, 2004

UYEN LE
PRIMARY EXAMINER